

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EVELINDA HINOJOSA,**

**Defendant.**

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**CASE NO. 8:11CR43**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Defendant's motion to withdraw a guilty plea and request for a hearing (Filing No. 138).

Federal Rule of Criminal Procedure 11(d)(2)(B) requires a showing of a "fair and just reason" for withdrawal of a guilty plea. NECrimR 12.3(b) requires an accompanying brief unless a motion is unopposed or raises a substantial issue of law. In this case, there is no showing that the motion is unopposed, and the motion raises a substantial issue of law. The motion does not include a "fair and just reason," nor did the Defendant file an accompanying brief. Therefore,

IT IS ORDERED that the Defendant's motion to withdraw a guilty plea and request for a hearing (Filing No. 138) is denied.

DATED this 23<sup>rd</sup> day of August, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge